

August 21, 2007 CPC



## ADDENDUM

07TW0376

David R. Jenkins  
(Mason Woods)

Dale Magisterial District  
West line of Mason Woods Drive

**REQUEST:** Development Standards Waiver to the Zoning Ordinance provision in Section 19-510 (a)(1) to permit a recreational vehicle (boat and trailer) to be parked in an area outside of the required rear yard. Please note this request is a result of a complaint.

In the Background section of the staff report (page 2, paragraph 2 and 4) a reference is made to "Attachment 1" and "Attachment 2" as part of a discussion regarding the applicant's ability to park the boat as required by Ordinance. These two attachments were inadvertently omitted from the staff report and are included here for your review.

This page is blank.

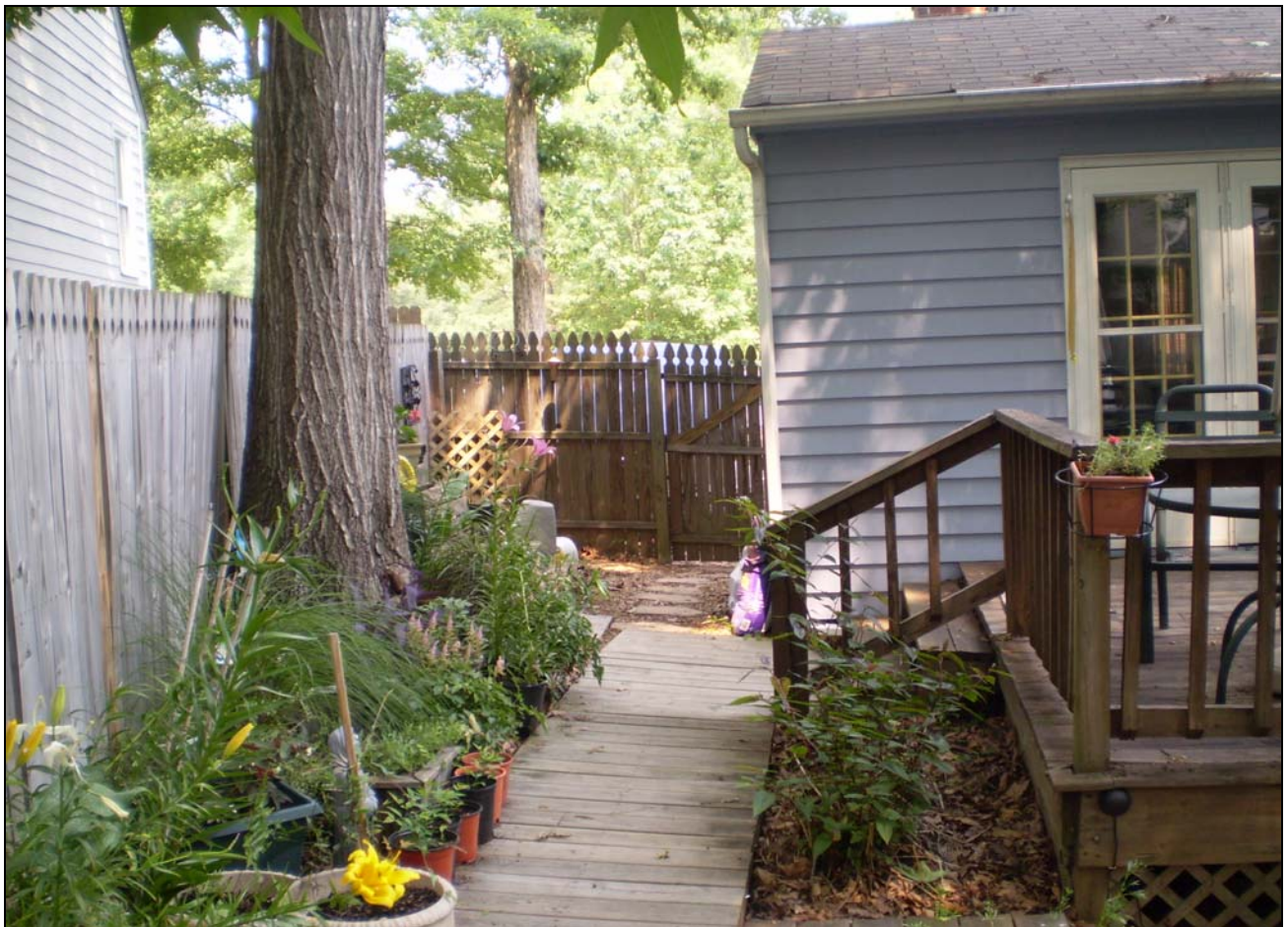
## **ATTACHMENT 1**

### **Reasons why I am asking for a Developmental Standards Waiver**

- 1. I do not have the required amount of footage on each side of my home to build an enclosed shelter. I also have trees in the north side yard.**
- 2. Mason Woods Drive is a two-way road that is relatively narrow. My boat trailer is 8' wide and the protrusion onto the roadway would create an unsafe situation as other vehicles attempted to pass.**
- 3. My boat is currently 38' from the front edge of my property line, in the gravel drive as close to the fence as possible. The boat is 2 years old and well maintained. It is not an eyesore, therefore does not cause any public danger or create any detriment to the surrounding properties.**
- 4. Granting this modification will not cause an amendment to be adopted, for the reason that future residents, if property is ever sold, may not have a recreational vehicle.**
- 5. Granting this modification will allow me to park my boat in compliance of Chesterfield County Zoning Ordinance section 19-510(a)(1).**

This page is blank.





**ATTACHMENT 2**

August 21, 2007 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

07TW0376

David R. Jenkins  
Mason Woods Subdivision

Dale Magisterial District  
West line of Mason Woods Drive

REQUEST: Development Standards Waiver to the Zoning Ordinance provision in Section 19-510 (a)(1) to permit a recreational vehicle (boat and trailer) to be parked in an area outside of the required rear yard. Please note this request is a result of a complaint.

RECOMMENDATION

Staff recommends approval of the Development Standards Waiver subject to Conditions 1 and 2 for the following reasons:

1. The property's rear yard has physical limitations precluding the ability to park the boat and trailer in the required area.
2. The current location, while visible from the street, permits the boat and trailer to be parked behind the front facade of the applicant's home providing some screening.

CONDITIONS

1. The boat and trailer shall be parked in the side yard adjacent to the dwelling at all times except during loading and unloading activities.
2. This Development Standards Waiver shall be granted exclusively to David R. Jenkins, and not transferable with the land.

GENERAL INFORMATION

Providing a FIRST CHOICE community through excellence in public service

Applicant/Owner:

David R. Jenkins

Location:

West line of Mason Woods Drive, also know as Lot 6, Block A, Section A of Mason Woods Subdivision or 6900 Mason Woods Drive. Tax ID 778-678-8217-00000 (Sheet 18).

Existing Zoning and Land Use:

R-7; Single Family Residential

Size:

.2 acre

Adjacent Zoning and Land Use:

North, South, East and West - R-7; Single Family Residential

BACKGROUND

The applicant states the boat and trailer have been parked in the same location for the last two (2) years. After receiving the complaint the applicant reviewed the situation with staff. It was determined that a request for a Development Standards Waiver may be an appropriate option to resolve this situation. The Ordinance requires recreational vehicles to be parked in the rear yard, located behind the rear of the house, at least (5) five feet from the side property line and (10) ten feet from the rear property line. The applicant requests to continue parking the twenty-two (22) foot boat and trailer in the driveway adjacent to the dwelling.

The applicant has submitted information demonstrating that physical limitations exist on the property and he cannot achieve Ordinance requirements to park in the rear yard. (Attachment 1)

The applicant held a community meeting on June 28, 2007, also attended by the Dale District Planning Commissioner and Staff. (There were no attendees and no comments regarding this application have been received.)

Staff visited the subject property and observed physical limitations of the lot. Staff noted a six (6) foot privacy fence enclosing the entire rear yard. Additionally, a mature oak tree exists between the house and the side property line which precludes any possibility of navigating the boat into the rear yard. (See Attachment 2)

CONCLUSIONS

The boat and trailer are parked behind the front plane of the home and screened by additional cars parked in the driveway. Additionally, landscaping along the southern property line provides screening from the south.

Staff believes that based upon the physical constraints of the property, approval of the Development Standards Waiver will not adversely impact the neighborhood.

Staff recommends approval of this request with the two (2) conditions included in this analysis.



This page is blank.

## REQUIRED FINDINGS – Section 19-19

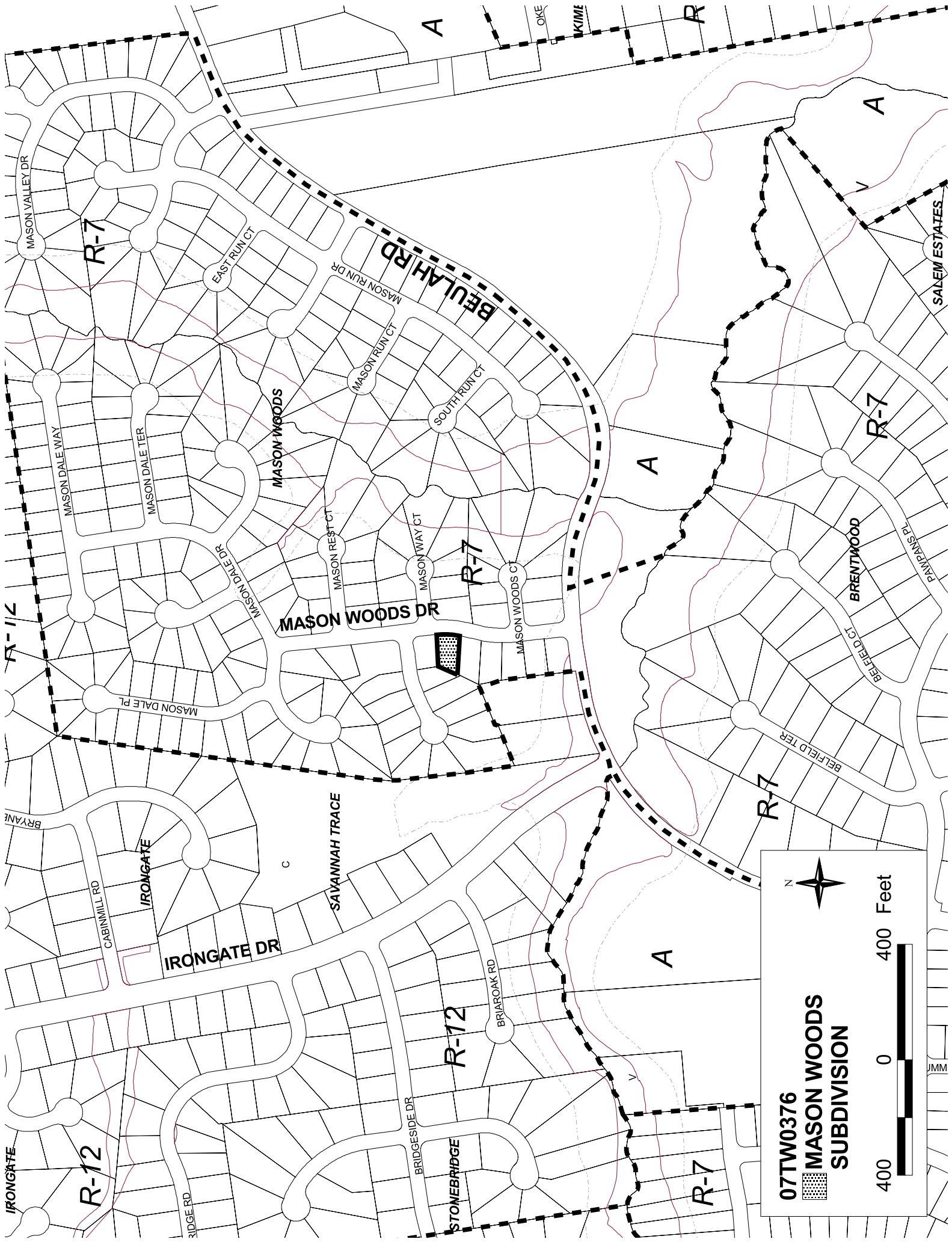
The Planning Commission may grant a Development Standards Waiver to development standards or requirements specified in the Zoning Ordinance if it is determined to be in substantial compliance with all of the following factors:

- (1) By reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property or by reason of exceptional topographic conditions or other exceptional situation or condition relating to such property the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property.
- (2) The granting of the modification will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience, and the hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (3) The modification will not be injurious to the use and enjoyment of adjacent property owners; will not diminish or impair property values within the neighborhood; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare.
- (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.
- (5) The granting of such modification will allow the project to comply with the Comprehensive Plan.


The Planning Commission shall not grant a modification to any development standard or requirement if:


- (1) The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.
- (2) Ordinary financial considerations are the principal reason for the requested modification.
- (3) The modification amends a property-specific condition imposed by the Board of Supervisors or the Board of Zoning Appeals, unless such condition specifically grants such modification authority to the Planning Commission.
- (4) The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem, including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of development density.

This page is blank.




07TW0376

 **MASON WOODS  
SUBDIVISION**



N



400 0 400 Feet

JMM

This page is blank.